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USPN: 09/868,474

Smale

1635
DE-1272

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Jin-Woo KIM
Serial No. : 09/868,474
Filed : June 15, 2001
For : HUMAN CERVICAL CANCER PROTOONCOGENE AND
PROTEIN ENCODED THEREIN
Examiner : Sean McGarry Group Art Unit: 1635

Mail Stop: NON FEE AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

TRANSMITTAL OF PREVIOUSLY SUBMITTED DOCUMENTS

Sir:

It has come to our attention that the following previously submitted documents have not been placed in the file for the above-referenced patent application. Therefore, in the interest of assisting the examination of this application and avoiding abandonment, we are re-submitting the following documents:

- A photocopy of an Amendment and accompanying exhibits, filed on April 25, 2003 in response to an Office Action dated January 30, 2003, accompanied by a Certificate of Mailing and a postcard stamped by the Patent and Trademark Office on April 30, 2003.

- A photocopy of a Facsimile Transmission cover sheet dated September 8, 2003 addressed to Examiner McGarry in response to a telephone call of the same

day. This facsimile also enclosed the Amendment which was previously filed on April 25, 2003 because the Examiner did not appear to have received it.

- A photocopy of a Notice of Non-Compliant Amendment which was improperly issued on October 8, 2003 in response to the re-submission on September 8, 2003 of the Amendment previously filed on April 25, 2003. This Notice of Non-Compliant Amendment treated the Amendment as having been filed on September 8, 2003 and required the claims to be placed in the proper status format required since July, 2003. Since the Amendment was filed prior to the effective date of that status format, it did not need to be revised to comply.

- A photocopy of a Facsimile Transmission cover sheet dated December 2, 2003, addressed to Examiner McGarry, following a telephone conversation of the same day regarding the Notice of Non-Compliant Amendment. This facsimile cover sheet also enclosed photocopies of the September 8th transmission and the postcard from the original Amendment filing, stamped April 30, 2003.



USPN: 09/868,474

DE-1272

This communication follows a status check performed by my assistant during which it was discovered that, even after three attempts, the Amendment filed on April 25, 2003 still has not been entered into the file for the above-referenced application and that the application is therefore in danger of going abandoned. The undersigned earnestly solicits the entry of this Amendment and the prompt examination of this application.

Respectfully submitted
For applicants,

Dated: March 26, 2004

By:


Eugene Lieberstein
Registration No. 24,645

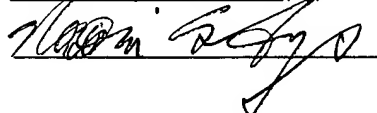
ANDERSON KILL & OLICK, P.C.
1251 Avenue of the Americas
New York, New York 10020-1182
(212) 278-1000

CERTIFICATE OF MAILING

Date of Deposit: March 31, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to : Mail Stop Non Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated above.

Naomi Mbys-Davidson (Typed or printed name of person mailing paper or fee)

 (Signature of person mailing paper or fee)

ANDERSON KILL & OLICK, P.C.

Attorneys and Counsellors at Law

1251 AVENUE OF THE AMERICAS □ NEW YORK, NY 10020
TELEPHONE: 212-278-1000 □ FAX: 212-278-1733
www.andersonkill.com

NEW YORK, NY □ CHICAGO, IL □ NEWARK, NJ □ PHILADELPHIA, PA □ WASHINGTON, DC □ GREENWICH, CT



URGENT FAX PLEASE DELIVER IMMEDIATELY

TOTAL NUMBER OF PAGES, INCLUDING COVER SHEET: 3

TO: Sean McGarry
U.S. Patent Office, Group Art Unit 1635

FAX NO.: 703-308-4242

FROM: Naomi Mbys-Davidson

DATE: December 2, 2003

TIME: 2:55 PM

C/M: 37721/FLK05

MESSAGE: Re: U.S. Patent Application No. 09/868,474 in the name of Jin-Woo KIM

Pursuant to our telephone conversation this afternoon, I am sending you a new copy of the original postcard which showed that the amendment filed for this application was received by the Patent Office on April 30th. I am accompanying this, for identification purposes, with a copy of the fax cover sheet which I sent you on September 8, 2003.

I hope this proves useful for allowing you to proceed with the examination of this application. Thank you very much for your assistance.

* * * TRANSMISSION RESULT REPORT (DEC. 2. 2003 5:41PM) * * *

TTI ANDERSON KILL & OLICK, P. C.

DATE	TIME	ADDRESS	MODE	TIME	PAGE	RESULT	PERS. NAME	FILE
DEC. 2.	5:40PM		USPTO	G3TES	0'50"	P. 3 OK		9063

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,474	06/15/2001	Jin-Woo Kim	DE1272	1592

7590 10/08/2003

Anderson Kill & Olick
1251 Avenue of the Americas
New York, NY 10020

EXAMINER

MCGARRY, SEAN

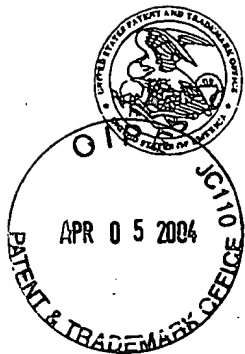
ART UNIT PAPER NUMBER

1635

DATE MAILED: 10/08/2003



Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

09/868,474

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 2023
www.uspto.gov

Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 9/8/03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following omission(s) or provision is required. Only the section (1.121(h)) of the amendment document containing the omission or non-compliant provision must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.

THE FOLLOWING CHECKED (X) ELEMENTS(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
 - ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all claims (incl. withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☒ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION**, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Legal Instruments Examiner (LIE)

ANDERSON KILL & OLICK, P.C.

Attorneys and Counsellors at Law

1251 AVENUE OF THE AMERICAS □ NEW YORK, NY 10020
TELEPHONE: 212-278-1000 □ FAX: 212-278-1733
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TOTAL NUMBER OF PAGES, INCLUDING COVER SHEET: 5

TO: Sean McGarry FAX NO.: 703-308-4242
U.S. Patent Office, Group Art Unit 1635

FROM: Richard Klar, ESQ.

DATE: September 8, 2003 TIME: 3:19 PM

C/M: 37721/FLK05

MESSAGE: Re: U.S. Patent Application No. 09/868,474 in the name of Jin-Woo KIM

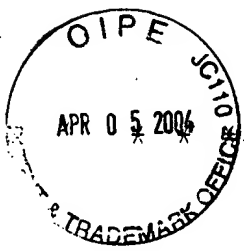
In response to your telephone call today, enclosed, please find a copy of the Amendment which we filed on April 25, 2003 along with a Declaration of Deposit of Microorganism and a receipt for such deposit.

The postcard for this Amendment, with a stamp showing its receipt by the Patent Office on April 30th, is also enclosed herewith.

Richard Klar
Reg No. 31,385

IF THERE ARE ANY PROBLEMS REGARDING THIS TELECOPY,
PLEASE CALL 212-278-1520. THANK YOU.

The information contained in this facsimile message is privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that the dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.
NYDOCS1-697750.1



SA P. 1

TRANSMISSION RESULT REPORT (SEP. 8. 2003 4:04PM) * * *

TTI ANDERSON KILL & OLICK, P. C.

DATE	TIME	ADDRESS	MODE	TIME	PAGE	RESULT	PERS. NAME	FILE
SEP. 8.	4:00PM		USPTO	G3TES	4'21"	P. 15 OK		7981

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E : ECM
> : REDUCTION



Commissioner for Patents
Box: Amendment

DE-1272

Applicant: Jin-Woo Kim
Ser. No.: 09/868,474
Filed: June 15, 2001
For: Human Cervical Cancer Protooncogene & Protein Encoded Therein



This is to acknowledge receipt of an AMENDMENT in response to
Office Action dd 05/13/01 w/Declaration for Deposit of Microorganism
w/Deposit Receipt for Escherichia coli.

Mailed: April 25, 2003

RBK:adc



Commissioner for Patents
Box: Amendment

DE-1272

Applicant: Jin-Woo Kim
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RBK:ads



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